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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 APR 25 AM 10:49

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan Carlos ZAVALA-Rivera,

Defendant

) Magistrate Docket No.

) **08 MJ 1284**


) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States

The undersigned complainant, being duly sworn, states:

On or about **April 23, 2008** within the Southern District of California, defendant, **Juan Carlos ZAVALA-Rivera**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY OF APRIL
2008.



Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:**Juan Carlos ZAVALA-Rivera****PROBABLE CAUSE STATEMENT**

On April 23, 2008 at approximately 1:15 P.M., Border Patrol A. Araceli Ortega and Border Patrol Agent D. Foreman were performing assigned line watch duties in the Imperial Beach Area of Operations. BPA Ortega and BPA Foreman were notified by a National Guard scope operator, of three individuals with two bikes jumping the United States/Mexico International boundary fence. The three individuals, one on a bike and two on another, were spotted heading towards an area known as "Clearwater road." This area is located approximately 1/2 mile north of the U.S./Mexico International Border, and two miles west of the San Ysidro, California Port of Entry.

Agent Ortega was driving towards the area she observed one individual on a bike and two individuals on a second bike. As she drove closer to the first subject, she stopped her vehicle, identified herself as a United States Border Patrol Agent. As she was interviewing the first subject, Agent Foreman drove towards the other two subjects, got out of his vehicle, identified himself as a United States Border Patrol Agent, and detained the other two subjects. Agent Ortega conducted an immigration inspection all three individuals. All three, including one later identified as **Juan Carlos ZAVALA-Rivera**, admitted to being citizens and nationals of Mexico without any immigration documents which would allow them to enter or remain in the United States legally. All three were placed under arrest transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on December 23, 2007 through San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.